(*b*) what is the total estimated cost of the road works, well works and panchayat halls ready to be executed by Government, panchayat and free labour of the villagers ;

(*c*) what is the amount to be paid according to Government Order towards the pay of the panchayat inspector, on the total amount involved in the above two questions ;

(*d*) what is the pay of the present panchayat inspector there ?

A.—The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa).—

	Wells'	Roads	Panchayat Halls, etc.	Total
	Rs.	Rs.	Rs.	Rs.
(*a*)	27,290	6,500	4,183	37,973
(*b*)	25,015	3,973	306	29,294

(*c*) 5 to 10 per cent of the work turned out by him.

(*d*) Pay Rs. 60 *plus* C.A. 15 = Rs. 75 per mensem.

Mr. K. M. KRISHNAPPA GOWDA.—Are not these works being done for a long time past in the villages ? And has the execution of all these works depended upon panchayat inspectors always ?

Mr. M. VENKATANARANAPPA.—Even formerly, panchayat inspectors were supervising such works.

Mr. K. M. KRISHNAPPA GOWDA.—If so, why were they not kept on as panchayat inspectors ?

The REVENUE COMMISSIONER (Mr. N. Madhava Rao).—They were first appointed for attending to panchayat organisation, and when that work was over, they were transferred for other work.

Mr. K. M. KRISHNAPPA GOWDA.—If so, why were the posts revived again ?

Mr. N. MADHAVA RAO.—There is no question of reviving the appointments. The Overseers are now appointed to supervise the works of public utility which the panchayats took up.

Mr. K. M. KRISHNAPPA GOWDA.—The contributions collected from the panchayats on account of technical supervision and tools and plant charges are much more than the expenses which Government have to incur on behalf of the panchayats. Why should such excess collections be made ?

Mr. N. MADHAVA RAO.—There should be no excess collections and even if there be any, they will be refunded to the local bodies concerned.

Mr. K. M. KRISHNAPPA GOWDA.—Why not make the Revenue Inspectors themselves look after these works so that the village panchayats may not have to incur extra expenditure in the shape of such contributions ?

Mr. N. MADHAVA RAO.—That is also being done in certain cases. But in places where the amount of work is such that the panchayat inspectors are really necessary, they are appointed.

Mr. K. M. KRISHNAPPA GOWDA.—In village panchayats, most of the works are petty. Can they not be supervised by the Amildars or even by the Revenue Inspectors ? Why should village panchayat funds be wasted on departmental establishments ?

Mr. N. MADHAVA RAO.—If the money has to be well spent, there must be some trained agency to scrutinise the works.

Mr. K. M. KRISHNAPPA GOWDA.—The Revenue Probationers who have now been appointed as Amildars have undergone training in the Engineering Department. Can they not supervise these works in panchayat areas ?

The DEWAN.—The training given to Revenue Probationers is not such as to qualify them for supervising all public works.

GOVERNMENT BUSINESS—BILLS (*contd.*)

IV. Statement of General Principles relating to the Amendment of the Food Adulteration Regulation.

The GENERAL SECRETARY to GOVERNMENT (Mr. H. V. Ramaswami) explained the general principles of the Bill as follows :—

"The question of amending the Mysore Prevention of Adulteration Regulation so as to provide for the addition of a section prohibiting the colouring, mixing, and staining of food-stuffs

by deleterious matter has been under the consideration of Government for some time past. Provision for this exists in Bombay Act, V of 1925, and the Director of Health has recommended the addition of a similar clause to the Mysore Regulation. It is proposed to introduce a similar provision into our Regulation."

Mr. T. MADIAH GOWDA enquired whether all poisonous substances would be clearly specified for the information of ignorant people. In the absence of such definition, people might not know which substance was deleterious and which not, and the use of such substances might itself be due to ignorance.

The DEWAN replied that responsible officers would enlighten the people in the first instance.

Mr. V. V., IYER supported the measure on the ground that it was desirable.

Mr. C. N. NARASINGA RAO enquired whether the scope of this measure would be restricted to locally manufactured food-stuffs, or whether it would apply with equal force to food-stuffs imported from outside the State and containing deleterious matter.

The DEWAN observed that it was quite obvious that such things would not be allowed to be sold.

Dharmapravartha M. L. NAGAPPA SETTY said that certain articles required to be treated with certain other substances which by themselves would be considered harmful, but that the articles referred to would, in no way, be rendered harmful as a result of such treatment. For example, though sulphur was poisonous by itself, it was used for colouring and preserving cardamom, and this process had no injurious effect on the cardamom. Unless exemptions were given in such cases, the trade in such articles would seriously suffer.

The DEWAN observed that such recognised processes of treatment would not come under the purview of this measure.

Thereupon the general principles of the measure were put to vote and passed.

V. Statement of General Principles of the Bill pertaining to Law regarding Partnership in Mysore.

The GENERAL SECRETARY to GOVERNMENT (Mr. H. V. Ramasvami) explained the general principles of the bill as follows :—

"The law relating to partnership is contained in Chapter XI of the Indian Contract Act, 1872, as in force in Mysore. The inadequacy of the provisions contained therein has been recognised for a long time as many important matters relating to partnership were left unnoticed in Chapter XI. In addition to these omissions, the development of trade and business has shown further matters on which legislation is required. In the absence of clear and definite rules on these points, the Indian courts have held that Chapter XI of the Indian Contract Act is not exhaustive and have relied on analogies drawn from the English Law. To remove these defects, a separate Act providing for a satisfactory codification of the law relating to partnership was passed in British India in 1932.

"The Indian Partnership Act of 1932 as well as the Indian Sale of Goods Act of 1930 (which has been recently adopted in Mysore) were drafted by a Special Committee of leading lawyers presided over by Sir B. C. Mitter. In their report on the Sale of Goods Bill, they observed.—

"When Sir James Stephen moved the Indian Contract Bill, he admitted that it was not and could not pretend to be a complete code upon the branch of law to which it related. He, however, expressed a hope that in later years it would be easy to enact supplementary chapters relating to several branches of the law of contract which the bill did not touch. In our opinion, in view of the complexity of modern conditions, the time has now come when this process should be accelerated by embodying the different branches of law relating to contract in separate self-contained enactments."

"The Sale of Goods Bill was the first of the series foreshadowed by the Special Committee and the Partnership Bill was the second.

"The Indian Partnership Act is based upon the corresponding English Act of 1890 with deviations on some points in order to adapt the law to Indian conditions or to supplement it in places

where it is incomplete or are supported by the views of authoritative commentators.

"The law in Mysore has, however, remained the same as it was in 1872, in spite of the fact that the development of trade and business in Mysore, as in British India, has shown further matters on which legislation is required. It has therefore become necessary, in order to keep the law of partnership abreast of the developments of modern business relations, to remove the defects by enacting a separate measure on the lines of the Indian Partnership Act, 1932.

"The Bill repeals and supersedes Chapter XI of the Contract Act. It makes considerable changes in definition and arrangement, gives effect to the mercantile view of a firm's continuity and adds provisions for voluntary registration of firms.

"Chapter I deals with preliminary matters and definitions.

"Chapter II deals with the nature of partnership. This law of partnership is made applicable only to the relationship created by contract and not to that which arises from status; in particular, members of a Hindu undivided family carrying on a family business as such are excluded from the application of this law.

"Chapter III deals with the relations of partners to one another. The Indian Contract Act, 1872, as in force in Mysore, dealt with some of them in Sections 252, 253, 256, 257, 258 and 259. The present Bill deals with these relations in fuller detail.

"Chapter IV deals with the relation of partners to third parties. This chapter is mostly taken up with the statement and development of the principle that each partner is the agent of the firm.

"Chapter V collects together and sets out in a convenient form all rules relating to the coming in of a new partner and all rules relating to the going out of a partner in so far as these rules do not relate to the dissolution of the firm or to the consequences of dissolution.

"Chapter VI deals with the dissolution of a firm and lays down that the dissolution of a firm means the dissolution of the partnership relation between all the partners of a firm, as distinguished from the severance of the connection of one partner with the firm through retirement, expulsion or insolvency dealt with in the last chapter.

"Chapter VII deals with the Registration of firms and lays down the procedure for the registration of partners and firms. It is not the intention to apply Chapter VII regarding registration of firms and its incidents to the whole of the State or any part of it, except by a special notification by the Government when conditions for its extension in any part of the State are considered suitable.

"Chapter VIII, the last chapter, contains supplemental provisions regarding mode of giving notice, repeals and savings."

Mr. T. MARIAPPA said that this was a very important measure and in the absence of the bill itself, it was not possible for the members to understand the measure merely by means of the statement of general principles. Further, the members were not aware what the experience of the working of the British Indian Act since 1932 was. For these reasons, he requested that the members be supplied with copies of the bill and the discussion resumed thereafter.

The SECOND MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that printed copies of the bill were not readily available and it would mean unnecessary delay if they should be got printed for distribution to the members. What was proposed to be done was merely to adopt the British Indian Act of 1932 without any material changes. Last year the general principles of the Sale of Goods Act, which was part of the Indian Contract Act, were accepted by the Assembly. The Law of Partnership also was part of the same Act, and was passed in British India in 1932. It was proposed to introduce it in the State without any material changes. It was only a consolidating Act. In the same way as the House agreed to legislation on the lines of the Sale of Goods Act on a previous occasion, it might give its approval to the general principles of this measure also. For

purposes of reference, however, the British Indian Act would be made available to any member requiring it. After all, the Assembly was going to discuss only the general principles of the measure and details would have to be looked into by the Legislative Council.

Mr. P. SUBBARAMA CHETTY said that as the general principles placed before the House did not contain sufficient details, it was not possible for the members to understand what the measure was going to be. This was a matter affecting trade and commerce and it was very desirable, in such cases, that the Chamber of Commerce and the Merchants' Associations should be furnished with advance copies of the bill with a view to give them an opportunity to discuss the measure and give their opinion in the matter.

Mr. Malur SUBBA RAO said that if the details of the measure had been given and Mr. Subbarama Chetty had gone through them, he would have been the first to give his support to the measure. The State was fast progressing in trade and industry and this measure had become absolutely necessary. The Assembly was concerned only with the general principles of the bill and the other details would be discussed in the Legislative Council. He would request the Assembly to give its hearty support to this necessary measure.

Mr. K. T. BHASHYAM AIYANGAR, while agreeing that the measure was both urgent and necessary, said that in a matter like this it would amount to treating the members with scant respect to ask for their approval to the measure without giving them all its details. In the same way as the Government had supplied copies of the Bills to amend the Workmen's Compensation Regulation and the Mysore District Boards Regulation, they could have supplied copies of this bill also to enable members to understand it intelligently.

Referring to the general principles of the bill, MR. BHASHYAM AIYANGAR said that members of the House had been bringing to the notice of the Government several defects in the existing law, but so far, Government had not taken action to remedy the defects. He thanked the Government for having introduced a measure at least now. At the same time, he requested the Government not to wait in all such matters till the Government of India took action and then adopt their Acts as Regulations in this State, but to set an example even to the Government of India whenever and wherever possible.

With these remarks, he gave his support to the general principles of the measure under discussion, with the request that, at least in future, copies of all important bills be supplied to members of the House.

Mr. Belur SRINIVASIENGAR said that the Bengal Chamber of Commerce had pointed out certain defects in the British Indian Act in respect of optional registration, survivorship, dissolution of partnership, etc. If the Act was copied in this State without any modifications in those respects, the same defects would be perpetuated here also. If copies of the bill were furnished to the members as requested, and time given for studying the measure, the members would be in a position to suggest necessary improvements to the measure.

Messrs. Hosakoppa KRISHNA RAO and **J. MAHOMED IMAM** were also of the same opinion.

Mr. S. P. RAJAGOPALACHARI said that the Act was so lengthy that copies could not be supplied soon. No doubt, it would have been a help to members if copies had been given to them, though under the rules it was not necessary to do so. But the statement of general principles had been given many days back and no member had so far asked for the bill itself. If anybody had asked for it, action would have been taken to get copies printed at once. Apart from that, the bill was going to be the same as the British Indian Act and so there need be no hesitation in supporting it.

Mr. D. S. MALLAPPA however insisted on copies of the bill being circulated, further discussion being deferred for the purpose.

The DEWAN observed that from the trend of discussions it was clear that

the general principles of the bill were acceptable to the House. On this account and in view of the fact that all the necessary details would be looked into by the Legislative Council, it was perhaps not necessary to print and supply copies to the members and to defer discussion.

Mr. L. VEMA REDDY agreed in this view.

Mr. H. K. MADIAH said that it could not be said that details should be examined by the Legislative Council only. Representatives of the people should also have an opportunity of examining them in important cases and giving their opinion. In his opinion, it was necessary that copies of the bill should be supplied to the members.

Mr. N. G. SANJIVIAH said that since the year 1926, the general principles of legislative measures were not being explained in detail and for want of such details, the members were also not in a position to send up amendments. Thus, a valuable privilege was lost to the members. The bill under discussion was a new one and it could not be said that everyone knew its details. So, he wanted that discussions on the measure be postponed to the last day of the session, arrangements being made to supply the members with copies of the bill in the meantime.

Mr. B. L. BYANNA did not think it necessary to postpone the consideration of the bill. Besides there were as many as 8 members of the Representative Assembly in the Legislative Council who would look to the necessary details. As the measure was an urgent one, he agreed that it might be agreed to by the House.

Mr. S. P. RAJAGOPALACHARI said that the Indian Partnership Act was already in force in British India and it was proposed to codify it in the State with certain verbal changes. The High Court had been consulted in the matter and their view was that in commercial matters the law in the State should be the same as in British India. He appealed to the lawyer-members of the House to explain the matter to their colleagues. This being an urgent measure, he hoped the House would accept it.

Mr. C. N. NARASINGA RAO said that the measure was a very necessary one. And because there was no law of this kind in force in Mysore, decisions of British Indian courts were being cited in the courts in the State and they were influencing decisions here. He therefore wanted that discussion on the measure might be postponed to the last day. In the meantime, attempts might be made to supply the members with copies of the bill. If that was not possible, the members would themselves look into the British Indian Act and be prepared for the discussion. He was sure that 90 per cent of the members would give their acceptance to the measure if copies were supplied to them.

Messrs. Belur SRINIVASIENGAR and **B. S. PUTTASWAMI** also shared the same opinion.

This request was granted by the President.

It was further agreed that the general principles of the other two bills on the Agenda be also taken up the following day.

REPRESENTATIONS.

No. 1.—Appointment of a committee for the abolition of unnecessary posts in Government service.

MR. CHENNAPPA, Davangere Taluk and other members of the District.

Mr. G. CHENNAPPA represented that, with a view to reduce expenditure on all unnecessary posts in the service of the State, a committee of officials and non-officials be appointed to recommend suitable measures of retrenchment.

Mr. Malur SUBBA RAO supported the representation. He pointed out that there were certain unnecessary posts under the University and in the Education, Engineering and Railway Departments, which could be abolished without sacrificing efficiency. The generality of tax-payers had that impression and all of them felt that they could not bear the present high level of taxation. Personally he was aware of certain delicate matters which could be better explained to a committee than in an open Assembly. He therefore